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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,819	07/18/2003	Vicraj T. Thomas	H0005753	3027

7590 06/19/2006

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EXAMINER

LU, TONY W

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,819

Applicant(s)

THOMAS ET AL.

Examiner

Tony Lu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/29/2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, if a system for detecting incoming light is used to detect incoming light originating from a source target from a remote laser source, wherein the system of detecting and the source target are usable together, how can they be unrelated as recited in the claim language? Furthermore, the definition of the degree and/or the manner of "unrelated" is not defined and/or supported in the specification. Thus, claim 1 is indefinite.

Claims 2-6,22 and 23 are rejected as they depend on claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,22 and 23 are rejected, as understood by the examiner, under 35 U.S.C. 102(e) as being anticipated by Bringans et al US2004/0208596A1.

With respect to claim 1 and 2, Bringans et al disclose a light detecting system(130) comprising: a first array having a plurality of microlenses(170) positionable using actuators(177-1D, comb drive); a second array having a plurality of opto devices(180) underlaying and in close proximity with the plurality of positionable microlenses(see fig.7-fig.9), wherein the plurality of opto devices includes at least one light detector operable to detect incoming light from a remote laser source(160, see fig.8 and fig.9), the remote laser source originating from a source target(120, a separate system from the light detecting system 130); and at least one processor(110,120,130) in communication with at least one of the actuators and with at least one of the opto devices([0025]-[0031]).

With respect to claim 22, per the above discussion, Bringans et al disclose a plurality of processors(110,120,130).

With respect to claim 23, per the above discussion, Bringans et al disclose at least one lens of the plurality of lenses and at least one opto device of the plurality of

opto devices are both associated with at least one processor of the plurality of processors(read [0037]-[0039]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bringans et al US2004/0208596A1 in view of Lee et al US 6660988B2.

With respect to claim 3, per the above discussion, Bringans et al disclose the plurality of opto devices includes a plurality of photodetectors and a plurality of semiconductor laser(VCSEL emitter, read [0028]-[0032]), but fail to disclose the photodetectors are photodiode.

Lee et al disclose a light detecting system having photodiodes for detecting light.

Although Bringans et al lack a clear teaching of using photodiodes as the photodetectors, selecting a specific type of photodetectors would have been obvious to one of ordinary skill in the optic art in order to provide a long lasting life for the photodetectors.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bringans et al by using the photodiodes taught by Lee et al in order to provide a more long lasting life of the performance of the photodetectors.

With respect to claims 4-6, per the above discussion, Bringans et al and Lee et al fail to specify a ratio of photodiodes to semiconductor lasers is approximately 4 to 1, selecting a specific ratio of photodetectors and light sources would have been a mere matter of obvious design choice to one of ordinary skill in the optic art in order to provide a desired arrangement of the components of the system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the proposed system of Bringans et al and Lee et al accordingly in order to provide a compact design for the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Lu whose telephone number is 5712728448. The examiner can normally be reached on M-F 9:00am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 5712722328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Georgia Epps
Supervisory Patent Examiner
Technology Center 2800